FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
APPEAL FROM ORDER NO.2 OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	**Court's or Judge's orders.**

Mr.V.R.Tripathi for the Appellant.

Mr.H.K.Gada for the Respondent No.1 & 2.

Ms. Geeta Joglekar for the B.M.C.

CORAM : R.S. MOHITE, J.
VACATION JUDGE
DATED :JANUARY 5, 2006.

P.C.

1. Heard both sides.

2. On perusal of the impugned order it is clear that ad interim relief was refused because there was earlier notice of motion which was substantially for the same prayers. The second notice of motion was filed because the defendant Nos. 1 and 2 obtained repair permission and started construction. It appears that the appellant does not have copy of the repair permission and has not sought

inspection of the said permission. He makes a request that the copy of the said repair permission may be furnished to him. Mr. Gada for the respondent Nos. 1 and 2 states that he will furnish the copy of the repair permission to the advocate for the petitioner today itself. Both the parties are agreeable that hearing of earlier notice of motion may be preponed as there is dispute about the construction and the same may be taken on board on 10.1.2006. Accordingly, the earlier notice of motion may be placed on board on 10.1.2006. The Advocate for the B.M.C. would also like to get the copy of the repair permission which is relied upon by the respondent Nos. 1 and 2. The Advocate for the respondent Nos. 1 and 2 agrees to furnish such a copy by today. Subject to these directions, appeal from order stands disposed of. There will be a liberty to apply for court commissioner. if any such application is made, the court may decide it on its

own merits.

(R. S. MOHITE, J.)